

ORRICK, HERRINGTON & SUTCLIFFE LLP  
KAREN G. JOHNSON-MCKEWAN # 121570  
kjohnson-mckewan@orrick.com  
ANNETTE L. HURST # 148738  
ahurst@orrick.com  
GABRIEL M. RAMSEY # 209218  
gramsey@orrick.com  
405 Howard Street  
San Francisco, California 94105-2669  
Tel: (415) 773-5700/Fax: (415) 773-5759

PETER A. BICKS (pro hac vice)  
pbicks@orrick.com  
LISA T. SIMPSON (pro hac vice)  
lsimpson@orrick.com  
51 West 52<sup>nd</sup> Street  
New York, New York 10019-6142  
Tel: (212) 506-5000/Fax: (212) 506-5151

ORACLE CORPORATION  
DORIAN DALEY # 129049  
dorian.daley@oracle.com  
DEBORAH K. MILLER # 95527  
deborah.miller@oracle.com  
MATTHEW M. SARBORARIA # 211600  
matthew.sarboraria@oracle.com  
RUCHIKA AGRAWAL # 246058  
ruchika.agrawal@oracle.com  
500 Oracle Parkway  
Redwood City, CA 94065  
Tel: (650) 506-5200/Fax: (650) 506-7117

*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

KEKER & VAN NEST LLP  
ROBERT A. VAN NEST - # 84065  
rvannest@kvn.com  
CHRISTA M. ANDERSON - # 184325  
canderson@kvn.com  
DANIEL PURCELL - # 191424  
dpurcell@kvn.com  
633 Battery Street  
San Francisco, CA 94111-1809  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

KING & SPALDING LLP  
BRUCE W. BABER (pro hac vice)  
bbaber@kslaw.com  
1180 Peachtree Street  
Atlanta, GA 30309  
Tel: (404) 572-4826

*Attorneys For Defendant*  
GOOGLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
Plaintiff,

v.

GOOGLE INC.,  
Defendant.

Case No. CV 10-03561 WHA

**STIPULATION AND [PROPOSED]  
ORDER TO STAY EXECUTION OF  
COSTS AWARD**

**Dept.:** Courtroom 8, 19<sup>th</sup> Floor  
**Judge:** Hon. William Alsup

**STIPULATION**

WHEREAS, as directed by the Court, Oracle and Google met and conferred about Google's Bill of Costs (ECF 1990) and Oracle's objections thereto (ECF 1994);

WHEREAS, the Parties reached an agreement resolving the disputes relating to Google's Bill of Costs (ECF 2039);

WHEREAS, pursuant to the Parties' agreement in ECF 2039, the total amount of costs to be awarded to Google is \$2,153,444;

WHEREAS, Oracle desires to stay execution of the costs agreed to by the Parties until the conclusion of the case and, to the extent any appeals are filed, seeks a waiver of the requirement that either Party post a supersedeas bond; and

WHEREAS, Google is agreeable to staying execution of the costs agreed to by the Parties and agrees that, to the extent any appeals are filed, the requirement to post a supersedeas bond should be waived, provided that Oracle pay the costs agreed to by the Parties with post-judgment interest, provided the judgment upon which the costs were agreed to (ECF 1989) has not been overturned, at the conclusion of the case;

NOW, THEREFORE, THE PARTIES HEREBY AGREE AND STIPULATE as follows:

1. Execution of the costs agreed to by the Parties (ECF 2039) shall be stayed pending the conclusion of the case. By agreement of the Parties, to the extent any appeals are filed, neither Party is required to post a supersedeas bond.
2. Provided that the judgment underlying the costs agreed to by the Parties (ECF 1989) is not overturned, Oracle shall pay the costs agreed to by the Parties with post-judgment interest.

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1 Dated: August 19, 2016

ORRICK, HERRINGTON & SUTCLIFFE LLP

2  
3 By: /s/ Vickie L. Feeman

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5 Attorneys for Plaintiff  
6 ORACLE AMERICA, INC.

7 Dated: August 19, 2016

Keker & Van Nest LLP

8 By: /s/ Reid P. Mullen

9  
10 Attorneys For Defendant  
11 GOOGLE INC.

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13  
14 **ATTESTATION OF CONCURRENCE**

15 I, Vickie L. Feeman, the ECF User whose ID and password are being used to file this  
16 Joint Stipulation and [Proposed] Order to Stay Execution of Costs Award, hereby attest that Reid  
17 P. Mullen has concurred in this filing.

18 Dated: August 19, 2016

By: /s/ Vickie L. Feeman

**[PROPOSED] ORDER**

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Honorable William Alsup  
Judge of the United States District Court